

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2019-OCT-17 AT 5:30 P.M.

PRESENT: Members: Jessica Kaman, Chair
 Ron Nadeau
 Nelson Allen

 Staff: C. Horn, Planner
 L. Nowak, Planning Assistant (Recording Secretary)

1. CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

The Open Board of Variance Meeting was called to order at 5:33 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-SEP-19, be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Board of Variance No. BOV727 - 571 Eighth Street

- Ms. Jessica Kaman read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to reduce the flanking side yard setback from 4.0m to 3.6m at 571 Eighth Street in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling.
- The applicant, Mr. Ronald Eldon McFadyen, spoke to the rationale for the application. He gave a brief history of the issue, including discussions with the City’s Building and Planning departments around the requirement for a variance. He stated that the existing dwelling is non-conforming due to a road being developed beside his property, which changed the side yard in to a flanking side yard.
- Discussion took place regarding the definition of a flanking side yard.
 - Ms. Lainy Nowak responded that a flanking side yard is created on a corner lot where the front and side lot lines both abut a street.
 - A question regarding the no-conformity was asked.

- Mr. Caleb Horn then responded that the non-conformity may have been created through the adjacent subdivision.
- The applicant was asked if a Building Permit has been approved for the proposed porch.
 - The applicant stated that a Building Permit has not yet been issued, however he has already poured the concrete footing for the porch.
- There was some discussion by the Board regarding the character of the porch and its benefit towards the aesthetic of the house and positive impact on the neighbourhood.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV727 for 571 Eighth Street to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to vary the flanking side yard setback in the R1 zone from 4.0m to 3.6m in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV728 – 311 Woodhaven Drive

- Ms. Jessica Kaman read the application requesting to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to reduce the side yard setback from 1.5m to 0.6m from the west property line and increase the allowance of steps or landings to project 2.0m to 2.6m into the front yard setback in order to legalize a non-conforming exterior staircase on the property located at 311 Woodhaven Drive.
- Mr. Keene Anderson (Anderson Greenplan Ltd.) discussed the history of the house. The stairs were added in 1992 to provide access to the house because it is a very steep lot in Long Lake Heights. He stated that at the time, the stairs were conforming to setback requirements. A new staircase has been constructed in the same location but requires a variance, as it no longer complies with the Zoning Bylaw.
- Discussion took place regarding the survey.
 - The Applicant explained that a survey was not required when the house was designed in 1992; however, a BCLC was recently completed to confirm the location of the stairs.
- Discussion took place regarding the replacement stairs were built to code.
 - The Applicant confirmed that they were not built to code and that a structural engineer will be involved and new stairs will be built.
- Discussion took place regarding the location of the existing non-conforming stairs would change.
 - The applicant confirmed that the location would not change.
- Discussion took place regarding any negative affect on the neighbours if the stairs were rebuilt in the existing location.
 - Discussion on the character of the neighbouring properties and stated that due to the steep grade in Long Lake Heights took place. A comment was made that many of the properties require a large staircase for access.
- A question was asked about the implications on the strata.
 - Mr. Caleb Horn responded that Long Lake Heights is a bare land strata, which only regulates the land, not the buildings.
 - Ms. Lainy Nowak added that the strata was sent a notification of the variance due to statutory requirements.

- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV728 for 311 Woodhaven Drive to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to legalize a non-conforming exterior staircase for 311 Woodhaven in order to allow a side yard setback of 0.6m from the west property line and to allow steps or landings to project 2.6m into the front yard setback. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 6:09 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER